

United States District Court

Eastern District of California

Darrel L. Smith,

Plaintiff,

No. Civ. S 04-0702 MCE PAN P

vs.

Order

King, et al.,

Defendants.

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October 25, 2004, and January 18, 2005, plaintiff filed motions to compel discovery without the proof of service required by Fed. R. Civ. P. 5 and Local Rule 5-135. Defendant answered the complaint November 29, 2004. Accordingly, plaintiff shall serve his motions on defendant and serve and file proof of service within ten days. Otherwise the motion will be denied without prejudice.

So ordered.

Dated: June 2, 2005.

/s/ Peter A. Nowinski
PETER A. NOWINSKI
Magistrate Judge